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Attorney for Plaintiff,  
Liberty Media Holdings, LLC

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

LIBERTY MEDIA HOLDINGS, LLC }  
Plaintiff, }  
vs. }  
DAVID TRICE, ERIC BROWN, }  
JOHN DOE 2, and DOES 3-50 }  
Defendants }

Case No. 09-CV2284-W-POR

**MOTION FOR ENTRY OF CLERK'S  
DEFAULT AGAINST DEFENDANT  
ERIC BROWN**

Hearing: April 5, 2010  
No Oral Argument

NOW COMES Plaintiff Liberty Media Holdings, LLC (LMH), by its attorney, Robert DePiano, and respectfully requests this Court to enter a default, pursuant to Fed. R. Civ. Proc., Rule 55(b), against Defendant Eric Brown (Brown). In support of its Motion, Plaintiff states as follows:

1. LMH is entitled to judgment against Defendants for the claims pleaded in its Complaint for copyright and trademark infringement. See Declaration of Robert DePiano ¶ 5.

2. A copy of the Amended Complaint and Summons was served on Defendant Brown on December 8, 2009. See Court's Docket No. 8.

3. Defendant Brown has failed to appear, answer, or otherwise defend in the time allowed by law and is therefore in default.

1           4.     Default of Defendant Brown was entered on January 8, 2010. See Doc.  
2 11.

3           5.     Defendants are not minors or incompetent persons or in military service  
4 or otherwise exempted under the Servicemembers Civil Relief Act (50 App. U.S.C. §  
5 521). See Declaration of Robert DePiano. ¶ 6.

6           6.     Accordingly, LMH respectfully requests that this Court enter a Default  
7 Judgment against Defendant Brown, award statutory damages in the amount of  
8 \$1,750,000, injunctive relief, and attorney's fees pursuant to 17 U.S.C. § 502(a).

9           7.     This Application is based on this Motion, as well as the Memorandum  
10 of Points and Authorities and Declaration of Robert DePiano submitted herewith,  
11 and such other evidence as the Court determines appropriate.

12           Dated: February 3, 2010

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14                                           Respectfully Submitted,

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16                                           s/ Robert A. DePiano  
17                                           Robert A. DePiano  
18                                           Attorney for Plaintiff,  
19                                           Liberty Media Holdings, LLC  
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**CERTIFICATE OF SERVICE**

The undersigned does certify that on this 4th day February 2010, he did file the foregoing document using the CM/ECF system, and has sent copies of all the documents via U.S. Mail and email to defendants.

s/ Robert A. DePiano

Robert A. DePiano  
Attorney for Plaintiff,  
Liberty Media Holdings, LLC